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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,723	05/26/2000	Robert R. Bushey	P19115	7932

7055 7590 06/04/2004

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EXAMINER

DEANE JR, WILLIAM J

ART UNIT PAPER NUMBER

2642

DATE MAILED: 06/04/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/578,723

Applicant(s)

BUSHEY ET AL.

Examiner

William J Deane

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2003.
- 2a) ☒ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 & 25 - 38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 & 25 - 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 & 25 are rejected under 35 U.S.C. 102(b) as being anticipated by the paper entitled An Automatic Telephone Switchboard and Directory Information System by A. Kellner, Oct 1997.

With respect to claims 1 - 2, note sections 3, 4, 5 and 6.

Claims 1 & 25 are further rejected under 35 U.S.C. 102(b) along with claims 26 - 33 as being anticipated by U. S. Patent No. 6,269,153 (Carpenter et al.).

With respect to claims 1 & 25, note abstract, scoring matrix 212, disambiguation module 208, and element 412 and the threshold module therein.

With respect to claims 26 - 29, note Col. 8, line 5 – Col. 9, line 32 and Col. 10, line 34 – Col. 11, line 5.

With respect to claim 30, note element 102.

With respect to claims 31 – 32, note caller 216 (the caller could use a phone or Internet), i.e., such is inherent. If such is not agreed, not 103 rejection below.

With respect to claim 33, note element 212.

Claim 35 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,411,687 (Bohacek).

With respect to claim 35, note elements 5,6,7,8 and col. 2, lines 54 – 56.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 31 - 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carpenter et al. in view of U.S. Patent No. 6,173,279 (Levin et al.).

Carpenter et al. teaches the claimed system and method as shown above except for explicitly disclosing the use of a phone or Internet in order to make a call to a system having a natural language interface. However, Levin et al. teach such (see Fig. 1). It would have been obvious to one of ordinary skill to use a phone or the Internet to make a call, as that is the way things are done.

Claims 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carpenter et al. in view of Bohacek et al.

Carpenter et al. teach the claimed device and method as shown above except for the behavioral aspects. However Bohacek et al. disclose that such is old in the art (see rejection of claim 35 above). It would have been obvious to combine these two references in order to have a more discriminating system.

With respect to claim 36, note element 102 of Carpenter et al.

Claims 37 – 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carpenter et al. in view of Bohacek et al. and further in view of Levin et al.

Carpenter et al./Bohacek et al. teach the claimed system and method as shown above except for explicitly disclosing the use of a phone or Internet in order to make a call to a system having a natural language interface. However, Levin et al. teach such (see Fig. 1). It would have been obvious to use a phone or the Internet to make a call, as that is the way things are done.

Response to Arguments

Applicant's arguments with respect to claims 1 and 25 - 38 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (703) 306-5838. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (703) 872-9306.

26May04


WILLIAM J. DEANE, JR.
PRIMARY EXAMINER